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HARRISON GODDARD FOOTE

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NO. 609 P. 38

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

To:

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138799 20 AUG 04

Date of mailing
(day/month/year)

18.08.2004

Applicant's or agent's file reference
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REPLY DUE

within 3 month(s)
from the above date of mailingInternational application No.
PCT/GB 03/1162International filing date (day/month/year)
17.03.2003Priority date (day/month/year)
18.03.2002International Patent Classification (IPC) or both national classification and IPC
G06F9/40Applicant
AES ENGINEERING LIMITED et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 18.07.2004

ENTERED BY C.A.T.

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WRITTEN OPINION

International application No. PCT/GB 03/01162

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-32 as originally filed

Claims, Numbers

1-44 as originally filed

Drawings, Sheets

1/12-12/12 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:
5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
6. Additional observations, if necessary:

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International application No. PCT/GB 03/01162

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------|------------|
| Novelty (N) | Claims | 1,21 |
| Inventive step (IS) | Claims | 2-20,22-44 |
| Industrial applicability (IA) | Claims | |

2. Citations and explanations

see separate sheet

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International application No. PCT/GB03/01162

Re Item V

Reference is made to the following documents:

- D1: DE 100 08 017 A (SARTORIUS GMBH) 30 August 2001 (2001-08-30) & US 2003/144756 A 31 July 2003 (2003-07-31)
- D2: WO 01 16812 A (HITACHI, LTD.) 8 March 2001 (2001-03-08) & EP 1 225 522 A 24 July 2002 (2002-07-24) - the references below relate to the English family member EP 1 225 522 A
- D3: EP-A-0 801 355 (BAKER HUGHES INC) 15 October 1997 (1997-10-15)
- D4: KROLL J: 'FINDEN STATT SUCHEN MULTIMEDIA-DATENBANK FÜR ELEKTRONISCHE BAUTEILE: DER KATALOG AUF CD FEIERT PREMIERE' ELEKTRONIK, FRANZIS VERLAG GMBH. MUNCHEN, DE, vol. 43, no. 20, 4 October 1994 (1994-10-04), pages 92-94, 96-98, XP000445340 ISSN: 0013-5658
- D5: EP-A-0 314 596 (IBM) 3 May 1989 (1989-05-03)
- D6: US-A-6 052 669 (ELLIS JOHN M ET AL) 18 April 2000 (2000-04-18)
- D7: JAIDEEP AHLUWALIA ET AL: 'COMPUTER-AIDED OPTIMUM SELECTION OF ROLLER BEARINGS' COMPUTER AIDED DESIGN, ELSEVIER PUBLISHERS BV., BARKING, GB, vol. 25, no. 8, 1 August 1993 (1993-08-01), pages 493-499, XP000385103 ISSN: 0010-4485

1. Novelty, Inventive Step

- 1.1 The solution proposed in claim 1 of the present application appears not to be new (Article 33(2) PCT) for the following reasons:

Document D1, which is considered to represent the most relevant state of the art, discloses, using as far as possible the wording of claim 1 (the expressions in parentheses being references into document D1),

- a method of generating an illustration of a first device (col.10 lines 8-12 "Vorlage (Schablone)", "Default-Datei"), the first device being one of a set of devices (col.10 lines 12-16), the method comprising the steps of:-
- providing a plurality of illustration templates, each illustration template corresponding to one device of the set of devices (col.10 lines 12-16, the devices are in this case mechanical filters ("Filtereinrichtungen"));
- choosing the illustration template corresponding to the first device (col.10 lines 12-16 "aufgrund der in der Combobox C2 gewählten Gehäuseausführung", "die dementsprechende Vorlage bzw. Schablone gestartet"); and

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- modifying the first device illustration template responsive to features of the first device to generate the illustration of the first device (col.10 lines 16-20 "Abmessungen", "in die Zeichnung aufgenommen", "Shapes mit Texten gefüllt").

N.B.:

Also the disclosure of document D2 (§39 "sends the CAD symbol as an answer to the input of the basic specification data", "parametric representation", Fig.6) seems to take away the novelty of claim 1.

- 1.2 Claim 2 appears not to be inventive (Article 33(3) PCT) because it is obvious that in order to provide illustration templates, these templates have to be generated in advance.
- 1.3 Claim 3 appears not to be inventive (Article 33(3) PCT) because databases are common for storing information on servers (see, for example, D2 abs. "drawing database").
- 1.4 Claims 4 and 5 appear not to be inventive (Article 33(3) PCT) because grouping the templates (for example following the structure of an hierarchical catalogue) is an obvious implementation choice, and during a hierarchical search, obviously the group is chosen before the specific device and thus the corresponding group of templates before the specific device template. See for example D1 (col.10 lines 12-16 "Gehäuseausführung" - which groups filters by one aspect, namely the form of their casing -; lines 26-27 "Formatdatensatz"), D3 (abs. "machine type"), D4 (Bild 7 "Produktgruppensuche").
- 1.5 Claim 6, 7, 8, 9 appear not to be inventive (Article 33(3) PCT) because adding text (such as dimensioning) and generating or modifying images in the illustration template are obvious choices having no surprising technical effect, see for example D1 (col. 10 lines 15-20), D2 (§39 "parametric representation"), D3 (abs.), D6 (abs.).
- 1.6 Claims 10 and 11 appear not to be inventive (Article 33(3) PCT) because storing the data of an order that relates to the generated graphics (for example the input order data that was used for generating the graphic from the template, or the resulting graphic) in a file or database is obvious and does not have any surprising technical effects. See for example D1 (col.10 lines 35-37 "Zeichnung speichern").
- 1.7 Claims 12 and 13 appear not to be inventive (Article 33(3) PCT) because depending on the circumstances, the person skilled in the art would choose 2D or 3D illustrations. See, for example, D2 (Fig.6) for 2D and D6 (Fig. 13) for 3D.

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- 1.8 Claims 14 to 18 appear not to be inventive (Article 33(3) PCT) because obviously an ordering system as the one disclosed in document D1 or D2 may be applied to any objects with any number of parts, and certainly to seals and pumps. The applicant writes in the description (p.19 §5) that "It is considered self evident to an experienced reader that the invention may be employed for any type of product whether an individual component, a sub-assembly or full assembly" and that "the application is not limited to the generation of mechanical seal drawings".
- 1.9 Claim 19 to 28 appear not to be new and/or inventive (Article 33(2), 33(3) PCT) for the same reasons as above.
- 1.10 Claim 29 and 30 appear not to be inventive (Article 33(3) PCT) because ordering over the Internet is common-place. See, for example, D2 (abs. "WWW server").
- 1.11 Claim 31 to 44 appear not to be inventive (Article 33(3) PCT) for the same reasons as above.

2. Other observations

- 2.1 Claim 1 appears not to meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The following statements do not enable the skilled person to determine which technical features are necessary to perform the stated functions:
- "modifying the first device illustration template": it is assumed that not the template itself is modified but an instance (copy) of it. The same confusion between template and instance occurs in further claims (e.g. claims 6-9).
- 2.2 Further clarity issues seem to arise in other claims:
- Claim 18 "17 or 17"
 - Claims 19 and 44 "substantially as hereinbefore described": vague; "with reference to the accompanying drawings": Rule 6.2(a) PCT requires that the claims should not rely on the description except where absolutely necessary. This is not considered to be the case here.
- 2.3 In the case of amendments, care should be taken not to add any new subject matter (Art. 19(2) PCT).